

1 A bill to be entitled
2 An act relating to combating public disorder; amending
3 s. 166.241, F.S.; authorizing specified elected
4 officials to file an appeal to the Administration
5 Commission if the governing body of a municipality
6 makes a specified reduction to the operating budget of
7 the municipal law enforcement agency; requiring the
8 petition to contain specified information; requiring
9 the Executive Office of the Governor to conduct a
10 budget hearing considering the matter and make
11 findings and recommendations to the Administration
12 Commission; requiring the commission to approve,
13 amend, or modify the municipality's budget; amending
14 s. 316.2045, F.S.; revising the prohibition on
15 obstructing traffic by standing on the street,
16 highway, or road; deleting provisions concerning
17 charitable solicitations; amending s. 768.28, F.S.;
18 creating a cause of action against a municipality for
19 obstructing or interfering with reasonable law
20 enforcement protection during a riot or an unlawful
21 assembly; waiving sovereign immunity for a
22 municipality in specified circumstances; amending s.
23 784.011, F.S.; reclassifying the penalty for an
24 assault committed in furtherance of a riot or an
25 aggravated riot; amending s. 784.021, F.S.; increasing
26 the offense severity ranking of an aggravated assault

27 for the purposes of the Criminal Punishment Code if
28 committed in furtherance of a riot or an aggravated
29 riot; amending s. 784.03, F.S.; reclassifying the
30 penalty for a battery committed in furtherance of a
31 riot or an aggravated riot; amending s. 784.045, F.S.;
32 increasing the offense severity ranking of an
33 aggravated battery for the purposes of the Criminal
34 Punishment Code if committed in furtherance of a riot
35 or an aggravated riot; creating s. 784.0495, F.S.;
36 prohibiting specified assemblies from using or
37 threatening to use imminent force against another
38 person to do or refrain from doing any act or to
39 assume, abandon, or maintain a particular viewpoint
40 under certain circumstances; providing a penalty;
41 requiring a person arrested for a violation to be held
42 in custody until first appearance; amending s. 784.07,
43 F.S.; requiring a minimum term of imprisonment for a
44 person convicted of battery on a law enforcement
45 officer committed in furtherance of a riot or an
46 aggravated riot; increasing the offense severity
47 ranking of an assault or battery against specified
48 persons for the purposes of the Criminal Punishment
49 Code if committed in furtherance of a riot or an
50 aggravated riot; amending s. 806.13, F.S.; prohibiting
51 defacing, injuring, or damaging a memorial; providing
52 a penalty; requiring a court to order restitution for

53 such a violation; creating s. 806.135, F.S.; providing
54 a definition; prohibiting a person from destroying or
55 demolishing a memorial; providing a penalty; requiring
56 a court to order restitution for such a violation;
57 amending s. 810.02, F.S.; reclassifying specified
58 burglary offenses committed during a riot or an
59 aggravated riot and facilitated by conditions arising
60 from the riot; providing a definition; requiring a
61 person arrested for such a violation to be held in
62 custody until first appearance; amending s. 812.014,
63 F.S.; reclassifying specified theft offenses committed
64 during a riot or an aggravated riot and facilitated by
65 conditions arising from the riot; providing a
66 definition; requiring a person arrested for such a
67 violation to be held in custody until first
68 appearance; creating s. 836.115, F.S.; providing
69 definitions; prohibiting cyberintimidation by
70 publication; providing criminal penalties; amending s.
71 870.01, F.S.; prohibiting a person from fighting in a
72 public place; prohibiting specified assemblies from
73 engaging in violent and disorderly conduct resulting
74 in specified damage or injury; providing an increased
75 penalty for rioting under specified circumstances;
76 prohibiting a person from inciting a riot; providing
77 an increased penalty for inciting a riot under
78 specified circumstances; providing definitions;

79 requiring a person arrested for such a violation to be
80 held in custody until first appearance; providing an
81 exception; amending s. 870.02, F.S.; requiring a
82 person arrested for an unlawful assembly to be held in
83 custody until first appearance; repealing s. 870.03,
84 F.S.; relating to riots or routs; creating s. 870.07,
85 F.S.; creating an affirmative defense to a civil
86 action where the plaintiff participated in a riot;
87 amending s. 872.02, F.S.; increasing the offense
88 severity ranking of specified offenses involving
89 graves and tombs for the purposes of the Criminal
90 Punishment Code if committed in furtherance of a riot
91 or an aggravated riot; amending s. 921.0022, F.S.;
92 conforming provisions to changes made by the act;
93 ranking offenses created by the act on the offense
94 severity ranking chart; providing an effective date.

95
96 Be It Enacted by the Legislature of the State of Florida:

97
98 Section 1. Subsections (4) through (6) of section 166.241,
99 Florida Statutes, are renumbered as subsections (6) through (8),
100 respectively, new subsections (4) and (5) are added to that
101 section, and present subsection (6) of that section is amended,
102 to read:

103 166.241 Fiscal years, budgets, appeal of municipal law
104 enforcement agency budget, and budget amendments.—

105 (4) (a) If the tentative budget of a municipality contains a
106 funding reduction to the operating budget of the municipal law
107 enforcement agency, the state attorney for the judicial circuit
108 in which the municipality is located, or a member of the
109 governing body who objects to the funding reduction, may file an
110 appeal by petition to the Administration Commission within 30
111 days of the tentative budget being posted to the official
112 website of the municipality under subsection (3). The petition
113 must set forth the tentative budget proposed by the
114 municipality, in the form and manner prescribed by the Executive
115 Office of the Governor and approved by the Administration
116 Commission, the operating budget of the municipal law
117 enforcement agency as approved by the municipality for the
118 previous year, and state the reasons or grounds for the appeal.
119 The petition shall be filed with the Executive Office of the
120 Governor, and a copy served upon the governing body of the
121 municipality or to the clerk of the circuit court of the county
122 in which the municipality is located.

123 (b) The governing body of the municipality has 5 working
124 days after service of a copy of the petition to file a reply
125 with the Executive Office of the Governor, and shall serve a
126 copy of such reply to the petitioner.

127 (5) Upon receipt of the petition, the Executive Office of
128 the Governor shall provide for a budget hearing at which the
129 matters presented in the petition and the reply shall be
130 considered. A report of the findings and recommendations of the

131 Executive Office of the Governor thereon shall be promptly
132 submitted to the Administration Commission, which, within 30
133 days, shall approve the action of the governing body of the
134 municipality or amend or modify the budget as to each separate
135 item within the operating budget of the municipal law
136 enforcement agency. The budget as approved, amended, or modified
137 by the Administration Commission shall be final.

138 (8)(6) If the governing body of a municipality amends the
139 budget pursuant to paragraph (7)(c) ~~paragraph (5)(e)~~, the
140 adopted amendment must be posted on the official website of the
141 municipality within 5 days after adoption and must remain on the
142 website for at least 2 years. If the municipality does not
143 operate an official website, the municipality must, within a
144 reasonable period of time as established by the county or
145 counties in which the municipality is located, transmit the
146 adopted amendment to the manager or administrator of such county
147 or counties who shall post the adopted amendment on the county's
148 website.

149 Section 2. Section 316.2045, Florida Statutes, is amended
150 to read:

151 316.2045 Obstruction of public streets, highways, and
152 roads.—

153 (1) ~~A It is unlawful for any person may not or persons~~
154 willfully ~~to~~ obstruct the free, convenient, and normal use of a
155 ~~any~~ public street, highway, or road by:

156 (a) Impeding, hindering, stifling, retarding, or

PCS for HB 1

2021

157 restraining traffic or passage thereon; ~~by~~

158 (b) Standing on or remaining in the street, highway, or
159 road; ~~or approaching motor vehicles thereon, or by~~

160 (c) Endangering the safe movement of vehicles or
161 pedestrians traveling thereon.

162
163 ~~A ; and any person or persons who violates violate the~~
164 ~~provisions of this subsection, upon conviction,~~ shall be cited
165 for a pedestrian violation, punishable as provided in chapter
166 318. Nothing in this subsection prohibits a local governmental
167 entity from issuing a special event permit as authorized by law.

168 ~~(2) It is unlawful, without proper authorization or a~~
169 ~~lawful permit, for any person or persons willfully to obstruct~~
170 ~~the free, convenient, and normal use of any public street,~~
171 ~~highway, or road by any of the means specified in subsection (1)~~
172 ~~in order to solicit. Any person who violates the provisions of~~
173 ~~this subsection is guilty of a misdemeanor of the second degree,~~
174 ~~punishable as provided in s. 775.082 or s. 775.083.~~

175 ~~Organizations qualified under s. 501(c)(3) of the Internal~~
176 ~~Revenue Code and registered pursuant to chapter 496, or persons~~
177 ~~or organizations acting on their behalf are exempted from the~~
178 ~~provisions of this subsection for activities on streets or roads~~
179 ~~not maintained by the state. Permits for the use of any portion~~
180 ~~of a state-maintained road or right-of-way shall be required~~
181 ~~only for those purposes and in the manner set out in s. 337.406.~~

182 ~~(3) Permits for the use of any street, road, or right-of-~~

183 ~~way not maintained by the state may be issued by the appropriate~~
184 ~~local government. An organization that is qualified under s.~~
185 ~~501(c)(3) of the Internal Revenue Code and registered under~~
186 ~~chapter 496, or a person or organization acting on behalf of~~
187 ~~that organization, is exempt from local requirements for a~~
188 ~~permit issued under this subsection for charitable solicitation~~
189 ~~activities on or along streets or roads that are not maintained~~
190 ~~by the state under the following conditions:~~

191 ~~(a) The organization, or the person or organization acting~~
192 ~~on behalf of the organization, must provide all of the following~~
193 ~~to the local government:~~

194 ~~1. No fewer than 14 calendar days prior to the proposed~~
195 ~~solicitation, the name and address of the person or organization~~
196 ~~that will perform the solicitation and the name and address of~~
197 ~~the organization that will receive funds from the solicitation.~~

198 ~~2. For review and comment, a plan for the safety of all~~
199 ~~persons participating in the solicitation, as well as the~~
200 ~~motoring public, at the locations where the solicitation will~~
201 ~~take place.~~

202 ~~3. Specific details of the location or locations of the~~
203 ~~proposed solicitation and the hours during which the~~
204 ~~solicitation activities will occur.~~

205 ~~4. Proof of commercial general liability insurance against~~
206 ~~claims for bodily injury and property damage occurring on~~
207 ~~streets, roads, or rights-of-way or arising from the solicitor's~~
208 ~~activities or use of the streets, roads, or rights-of-way by the~~

~~solicitor or the solicitor's agents, contractors, or employees.~~
~~The insurance shall have a limit of not less than \$1 million per~~
~~occurrence for the general aggregate. The certificate of~~
~~insurance shall name the local government as an additional~~
~~insured and shall be filed with the local government no later~~
~~than 72 hours before the date of the solicitation.~~

~~5. Proof of registration with the Department of~~
~~Agriculture and Consumer Services pursuant to s. 496.405 or~~
~~proof that the soliciting organization is exempt from the~~
~~registration requirement.~~

~~(b) Organizations or persons meeting the requirements of~~
~~subparagraphs (a)1.-5. may solicit for a period not to exceed 10~~
~~cumulative days within 1 calendar year.~~

~~(c) All solicitation shall occur during daylight hours~~
~~only.~~

~~(d) Solicitation activities shall not interfere with the~~
~~safe and efficient movement of traffic and shall not cause~~
~~danger to the participants or the public.~~

~~(e) No person engaging in solicitation activities shall~~
~~persist after solicitation has been denied, act in a demanding~~
~~or harassing manner, or use any sound or voice-amplifying~~
~~apparatus or device.~~

~~(f) All persons participating in the solicitation shall be~~
~~at least 18 years of age and shall possess picture~~
~~identification.~~

~~(g) Signage providing notice of the solicitation shall be~~

PCS for HB 1

2021

~~posted at least 500 feet before the site of the solicitation.~~

~~(h) The local government may stop solicitation activities if any conditions or requirements of this subsection are not met.~~

~~(4) Nothing in this section shall be construed to inhibit political campaigning on the public right-of-way or to require a permit for such activity.~~

(2)~~(5)~~ Notwithstanding ~~the provisions of~~ subsection (1), any commercial vehicle used solely for the purpose of collecting solid waste or recyclable or recovered materials may stop or stand on any public street, highway, or road for the sole purpose of collecting solid waste or recyclable or recovered materials. However, such solid waste or recyclable or recovered materials collection vehicle shall show or display amber flashing hazard lights at all times that it is engaged in stopping or standing for the purpose of collecting solid waste or recyclable or recovered materials. Local governments may establish reasonable regulations governing the standing and stopping of such commercial vehicles, provided that such regulations are applied uniformly and without regard to the ownership of the vehicles.

Section 3. Subsection (5) of section 768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; civil liability for damages caused during a riot; limitation on attorney fees; statute of limitations;

261 exclusions; indemnification; risk management programs.—

262 (5) (a) The state and its agencies and subdivisions shall
263 be liable for tort claims in the same manner and to the same
264 extent as a private individual under like circumstances, but
265 liability shall not include punitive damages or interest for the
266 period before judgment. Neither the state nor its agencies or
267 subdivisions shall be liable to pay a claim or a judgment by any
268 one person which exceeds the sum of \$200,000 or any claim or
269 judgment, or portions thereof, which, when totaled with all
270 other claims or judgments paid by the state or its agencies or
271 subdivisions arising out of the same incident or occurrence,
272 exceeds the sum of \$300,000. However, a judgment or judgments
273 may be claimed and rendered in excess of these amounts and may
274 be settled and paid pursuant to this act up to \$200,000 or
275 \$300,000, as the case may be; and that portion of the judgment
276 that exceeds these amounts may be reported to the Legislature,
277 but may be paid in part or in whole only by further act of the
278 Legislature. Notwithstanding the limited waiver of sovereign
279 immunity provided herein, the state or an agency or subdivision
280 thereof may agree, within the limits of insurance coverage
281 provided, to settle a claim made or a judgment rendered against
282 it without further action by the Legislature, but the state or
283 agency or subdivision thereof shall not be deemed to have waived
284 any defense of sovereign immunity or to have increased the
285 limits of its liability as a result of its obtaining insurance
286 coverage for tortious acts in excess of the \$200,000 or \$300,000

waiver provided above. The limitations of liability set forth in this subsection shall apply to the state and its agencies and subdivisions whether or not the state or its agencies or subdivisions possessed sovereign immunity before July 1, 1974.

(b) A governing body of a municipality that intentionally obstructs or interferes with the ability of the municipal law enforcement agency to provide reasonable law enforcement protection during a riot or unlawful assembly is civilly liable for any damages, including damages arising from personal injury, wrongful death, or property damage, proximately caused by the agency's failure to provide reasonable law enforcement protection during a riot or unlawful assembly. The sovereign immunity recovery limits in paragraph (a) do not apply to an action under this paragraph.

Section 4. Subsection (2) of section 784.011, Florida Statutes, is amended and subsection (3) is added to that section, to read:

784.011 Assault.—

(2) Except as provided in subsection (3), a person who assaults another person ~~whoever commits an assault shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who assaults another person in furtherance of a riot or an aggravated riot prohibited under s. 870.01 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

PCS for HB 1

2021

313 Section 5. Subsection (2) of section 784.021, Florida
314 Statutes, is amended and subsection (3) is added to that
315 section, to read:

316 784.021 Aggravated assault.—

317 (2) A person who ~~Whoever~~ commits an aggravated assault
318 ~~commits shall be guilty of~~ a felony of the third degree,
319 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

320 (3) For the purposes of sentencing under chapter 921, a
321 violation of this section committed by a person acting in
322 furtherance of a riot or an aggravated riot prohibited under s.
323 870.01 is ranked one level above the ranking under s. 921.0022
324 for the offense committed.

325 Section 6. Section 784.03, Florida Statutes, is amended to
326 read:

327 784.03 Battery; felony battery.—

328 (1) (a) The offense of battery occurs when a person:

329 1. Actually and intentionally touches or strikes another
330 person against the will of the other; or

331 2. Intentionally causes bodily harm to another person.

332 (b) Except as provided in subsection (2) or subsection
333 (3), a person who commits battery commits a misdemeanor of the
334 first degree, punishable as provided in s. 775.082 or s.
335 775.083.

336 (2) A person who has one prior conviction for battery,
337 aggravated battery, or felony battery and who commits any second
338 or subsequent battery commits a felony of the third degree,

339 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
340 For purposes of this subsection, "conviction" means a
341 determination of guilt that is the result of a plea or a trial,
342 regardless of whether adjudication is withheld or a plea of nolo
343 contendere is entered.

344 (3) A person who commits a battery in furtherance of a
345 riot or an aggravated riot prohibited under s. 870.01 commits a
346 felony of the third degree, punishable as provided in s.
347 775.082, s. 775.083, or 775.084.

348 Section 7. Section 784.045, Florida Statutes, is amended
349 to read:

350 784.045 Aggravated battery.—

351 (1)(a) A person commits aggravated battery who, in
352 committing battery:

353 1. Intentionally or knowingly causes great bodily harm,
354 permanent disability, or permanent disfigurement; or

355 2. Uses a deadly weapon.

356 (b) A person commits aggravated battery if the person who
357 was the victim of the battery was pregnant at the time of the
358 offense and the offender knew or should have known that the
359 victim was pregnant.

360 (2) A person who violates subsection (1) commits ~~Whoever~~
361 ~~commits aggravated battery shall be guilty of a felony of the~~
362 ~~second degree, punishable as provided in s. 775.082, s. 775.083,~~
363 ~~or s. 775.084.~~

364 (3) For the purposes of sentencing under chapter 921, a

violation of this section committed by a person acting in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 for the offense committed.

Section 8. Section 784.0495, Florida Statutes, is created to read:

784.0495 Mob intimidation.—

(1) It is unlawful for a person, assembled with two or more other persons and acting with a common intent, to use force or threaten to use imminent force, to compel or induce, or attempt to compel or induce, another person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against his or her will.

(2) A person who violates subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person arrested for a violation of this section shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903.

Section 9. Subsection (2) of section 784.07, Florida Statutes, is amended and subsection (4) is added to that section, to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a railroad special officer, a traffic accident investigation officer as described in s. 316.640, a nonsworn law enforcement agency employee who is certified as an agency inspector, a blood alcohol analyst, or a breath test operator while such employee is in uniform and engaged in processing, testing, evaluating, analyzing, or transporting a person who is detained or under arrest for DUI, a law enforcement explorer, a traffic infraction enforcement officer as described in s. 316.640, a parking enforcement specialist as defined in s. 316.640, a person licensed as a security officer as defined in s. 493.6101 and wearing a uniform that bears at least one patch or emblem that is visible at all times that clearly identifies the employing agency and that clearly identifies the person as a licensed security officer, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, railroad special officer, traffic accident investigation officer, traffic infraction enforcement officer, inspector, analyst, operator, law enforcement explorer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the

second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree. Notwithstanding any other provision of law, a person convicted of battery upon a law enforcement officer committed in furtherance of a riot or an aggravated riot prohibited under s. 870.01 shall be sentenced to a minimum term of imprisonment of 6 months.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree. Notwithstanding any other provision of law, any person convicted of aggravated assault upon a law enforcement officer shall be sentenced to a minimum term of imprisonment of 3 years.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree. Notwithstanding any other provision of law, any person convicted of aggravated battery of a law enforcement officer shall be sentenced to a minimum term of imprisonment of 5 years.

(4) For purposes of sentencing under chapter 921, a felony violation of this section committed by a person acting in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 for the offense committed.

Section 10. Subsections (3) through (9) of section 806.13, Florida Statutes, are renumbered as subsections (4) through (10), respectively, a new subsection (3) is added to that section, and present subsection (8) of that section is amended,

PCS for HB 1

2021

443 to read:

444 806.13 Criminal mischief; penalties; penalty for minor.—

445 (3) Any person who, without the consent of the owner
446 thereof, willfully and maliciously defaces, injures, or
447 otherwise damages by any means a memorial, as defined in s.
448 806.135, and the value of the damage to the memorial is greater
449 than \$200, commits a felony of the third degree, punishable as
450 provided in s. 775.082, s. 775.083, or s. 775.084. A court shall
451 order any person convicted of violating this subsection to pay
452 restitution, which shall include the full cost of repair or
453 replacement of such memorial.

454 (9)~~(8)~~ A minor whose driver license or driving privilege
455 is revoked, suspended, or withheld under subsection (8)~~(7)~~ may
456 elect to reduce the period of revocation, suspension, or
457 withholding by performing community service at the rate of 1 day
458 for each hour of community service performed. In addition, if
459 the court determines that due to a family hardship, the minor's
460 driver license or driving privilege is necessary for employment
461 or medical purposes of the minor or a member of the minor's
462 family, the court shall order the minor to perform community
463 service and reduce the period of revocation, suspension, or
464 withholding at the rate of 1 day for each hour of community
465 service performed. As used in this subsection, the term
466 "community service" means cleaning graffiti from public
467 property.

468 Section 11. Section 806.135, Florida Statutes, is created

to read:

806.135 Destroying or demolishing a memorial.—

(1) As used in this section, the term "memorial" means a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display that is constructed and located with the intent of being permanently displayed or perpetually maintained; is dedicated to a historical person, an entity, an event, or a series of events; and honors or recounts the military service of any past or present United States Armed Forces military personnel, or the past or present public service of a resident of the geographical area comprising the state or the United States. The term includes, but is not limited to, the following memorials established under chapter 265:

(a) Florida Women's Hall of Fame.

(b) Florida Medal of Honor Wall.

(c) Florida Veterans' Hall of Fame.

(d) POW-MIA Chair of Honor Memorial.

(e) Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden.

(f) Florida Law Enforcement Officers' Hall of Fame.

(g) Florida Holocaust Memorial.

(h) Florida Slavery Memorial.

(i) Any other memorial located within the Capitol Complex, including, but not limited to, Waller Park.

(2) It is unlawful for any person to willfully and

495 maliciously destroy or demolish any memorial, or pull down a
496 memorial, unless authorized by the owner of the memorial. A
497 person who violates this section commits a felony of the second
498 degree, punishable as provided in s. 775.082, s. 775.083, or s.
499 775.084.

500 (3) A court shall order any person convicted of violating
501 this section to pay restitution, which shall include the full
502 cost of repair or replacement of such memorial.

503 Section 12. Subsections (3) and (4) of section 810.02,
504 Florida Statutes, are amended to read:

505 810.02 Burglary.—

506 (3) Burglary is a felony of the second degree, punishable
507 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
508 course of committing the offense, the offender does not make an
509 assault or battery and is not and does not become armed with a
510 dangerous weapon or explosive, and the offender enters or
511 remains in a:

512 (a) Dwelling, and there is another person in the dwelling
513 at the time the offender enters or remains;

514 (b) Dwelling, and there is not another person in the
515 dwelling at the time the offender enters or remains;

516 (c) Structure, and there is another person in the
517 structure at the time the offender enters or remains;

518 (d) Conveyance, and there is another person in the
519 conveyance at the time the offender enters or remains;

520 (e) Authorized emergency vehicle, as defined in s.

PCS for HB 1

2021

521 316.003; or

522 (f) Structure or conveyance when the offense intended to
523 be committed therein is theft of a controlled substance as
524 defined in s. 893.02. Notwithstanding any other law, separate
525 judgments and sentences for burglary with the intent to commit
526 theft of a controlled substance under this paragraph and for any
527 applicable possession of controlled substance offense under s.
528 893.13 or trafficking in controlled substance offense under s.
529 893.135 may be imposed when all such offenses involve the same
530 amount or amounts of a controlled substance.

531
532 However, if the burglary is committed during a riot or an
533 aggravated riot prohibited under s. 870.01 and the perpetration
534 of the burglary is facilitated by conditions arising from the
535 riot; or within a county that is subject to a state of emergency
536 declared by the Governor under chapter 252 after the declaration
537 of emergency is made and the perpetration of the burglary is
538 facilitated by conditions arising from the emergency, the
539 burglary is a felony of the first degree, punishable as provided
540 in s. 775.082, s. 775.083, or s. 775.084. As used in this
541 subsection, the term "conditions arising from the riot" means
542 civil unrest, power outages, curfews, or a reduction in the
543 presence of or response time for first responders or homeland
544 security personnel and the term "conditions arising from the
545 emergency" means civil unrest, power outages, curfews, voluntary
546 or mandatory evacuations, or a reduction in the presence of or

547 response time for first responders or homeland security
548 personnel. A person arrested for committing a burglary during a
549 riot or an aggravated riot or within a county that is subject to
550 such a state of emergency may not be released until the person
551 appears before a committing magistrate at a first appearance
552 hearing. For purposes of sentencing under chapter 921, a felony
553 offense that is reclassified under this subsection is ranked one
554 level above the ranking under s. 921.0022 or s. 921.0023 of the
555 offense committed.

556 (4) Burglary is a felony of the third degree, punishable
557 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
558 course of committing the offense, the offender does not make an
559 assault or battery and is not and does not become armed with a
560 dangerous weapon or explosive, and the offender enters or
561 remains in a:

562 (a) Structure, and there is not another person in the
563 structure at the time the offender enters or remains; or

564 (b) Conveyance, and there is not another person in the
565 conveyance at the time the offender enters or remains.
566

567 However, if the burglary is committed during a riot or an
568 aggravated riot prohibited under s. 870.01 and the perpetration
569 of the burglary is facilitated by conditions arising from the
570 riot; or within a county that is subject to a state of emergency
571 declared by the Governor under chapter 252 after the declaration
572 of emergency is made and the perpetration of the burglary is

573 facilitated by conditions arising from the emergency, the
574 burglary is a felony of the second degree, punishable as
575 provided in s. 775.082, s. 775.083, or s. 775.084. As used in
576 this subsection, the terms "conditions arising from the riot"
577 and ~~term~~ "conditions arising from the emergency" have the same
578 meanings as provided in subsection (3) ~~means civil unrest, power~~
579 ~~outages, curfews, voluntary or mandatory evacuations, or a~~
580 ~~reduction in the presence of or response time for first~~
581 ~~responders or homeland security personnel.~~ A person arrested for
582 committing a burglary during a riot or an aggravated riot or
583 within a county that is subject to such a state of emergency may
584 not be released until the person appears before a committing
585 magistrate at a first appearance hearing. For purposes of
586 sentencing under chapter 921, a felony offense that is
587 reclassified under this subsection is ranked one level above the
588 ranking under s. 921.0022 or s. 921.0023 of the offense
589 committed.

590 Section 13. Paragraphs (b) and (c) of subsection (2) of
591 section 812.014, Florida Statutes, are amended to read:

592 812.014 Theft.—

593 (2)

594 (b)1. If the property stolen is valued at \$20,000 or more,
595 but less than \$100,000;

596 2. The property stolen is cargo valued at less than
597 \$50,000 that has entered the stream of interstate or intrastate
598 commerce from the shipper's loading platform to the consignee's

599 receiving dock;

600 3. The property stolen is emergency medical equipment,
601 valued at \$300 or more, that is taken from a facility licensed
602 under chapter 395 or from an aircraft or vehicle permitted under
603 chapter 401; or

604 4. The property stolen is law enforcement equipment,
605 valued at \$300 or more, that is taken from an authorized
606 emergency vehicle, as defined in s. 316.003,
607
608 the offender commits grand theft in the second degree,
609 punishable as a felony of the second degree, as provided in s.
610 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
611 means mechanical or electronic apparatus used to provide
612 emergency services and care as defined in s. 395.002(9) or to
613 treat medical emergencies. Law enforcement equipment means any
614 property, device, or apparatus used by any law enforcement
615 officer as defined in s. 943.10 in the officer's official
616 business. However, if the property is stolen during a riot or an
617 aggravated riot prohibited under s. 870.01 and the perpetration
618 of the theft is facilitated by conditions arising from the riot;
619 or within a county that is subject to a state of emergency
620 declared by the Governor under chapter 252, the theft is
621 committed after the declaration of emergency is made, and the
622 perpetration of the theft is facilitated by conditions arising
623 from the emergency, the theft is a felony of the first degree,
624 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

As used in this paragraph, the term "conditions arising from the riot" means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term "conditions arising from the emergency" means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$750 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in paragraph (a).
7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing

651 animal; a bee colony of a registered beekeeper; and aquaculture
652 species raised at a certified aquaculture facility. If the
653 property stolen is a commercially farmed animal, including an
654 animal of the equine, avian, bovine, or swine class or other
655 grazing animal; a bee colony of a registered beekeeper; or an
656 aquaculture species raised at a certified aquaculture facility,
657 a \$10,000 fine shall be imposed.

658 8. Any fire extinguisher that, at the time of the taking,
659 was installed in any building for the purpose of fire prevention
660 and control. This subparagraph does not apply to a fire
661 extinguisher taken from the inventory at a point-of-sale
662 business.

663 9. Any amount of citrus fruit consisting of 2,000 or more
664 individual pieces of fruit.

665 10. Taken from a designated construction site identified
666 by the posting of a sign as provided for in s. 810.09(2)(d).

667 11. Any stop sign.

668 12. Anhydrous ammonia.

669 13. Any amount of a controlled substance as defined in s.
670 893.02. Notwithstanding any other law, separate judgments and
671 sentences for theft of a controlled substance under this
672 subparagraph and for any applicable possession of controlled
673 substance offense under s. 893.13 or trafficking in controlled
674 substance offense under s. 893.135 may be imposed when all such
675 offenses involve the same amount or amounts of a controlled
676 substance.

677
678 However, if the property is stolen during a riot or an
679 aggravated riot prohibited under s. 870.01 and the perpetration
680 of the theft is facilitated by conditions arising from the riot;
681 or within a county that is subject to a state of emergency
682 declared by the Governor under chapter 252, the property is
683 stolen after the declaration of emergency is made, and the
684 perpetration of the theft is facilitated by conditions arising
685 from the emergency, the offender commits a felony of the second
686 degree, punishable as provided in s. 775.082, s. 775.083, or s.
687 775.084, if the property is valued at \$5,000 or more, but less
688 than \$10,000, as provided under subparagraph 2., or if the
689 property is valued at \$10,000 or more, but less than \$20,000, as
690 provided under subparagraph 3. As used in this paragraph, the
691 terms "conditions arising from a riot" and ~~term~~ "conditions
692 arising from the emergency" have the same meanings as provided
693 in paragraph (b). A person arrested for committing a theft
694 during a riot or an aggravated riot or within a county that is
695 subject to a state of emergency may not be released until the
696 person appears before a committing magistrate at a first
697 appearance hearing ~~means civil unrest, power outages, curfews,~~
698 ~~voluntary or mandatory evacuations, or a reduction in the~~
699 ~~presence of or the response time for first responders or~~
700 ~~homeland security personnel.~~ For purposes of sentencing under
701 chapter 921, a felony offense that is reclassified under this
702 paragraph is ranked one level above the ranking under s.

PCS for HB 1

2021

921.0022 or s. 921.0023 of the offense committed.

Section 14. Section 836.115, Florida Statutes, is created to read:

836.115 Cyberintimidation by publication.—

(1) As used in this section, the term:

(a) "Electronically publish" means to disseminate, post, or otherwise disclose information to an Internet site or forum.

(b) "Harass" has the same meaning as provided in s. 817.568(1)(c).

(c) "Personal identification information" has the same meaning as provided in s. 817.568(1)(f).

(2) It is unlawful for a person to electronically publish another person's personal identification information with the intent to, or with the intent that a third party will use the information to:

(a) Incite violence or the commission of a crime against the person; or

(b) Threaten or harass the person, placing such person in reasonable fear of bodily harm.

A person who violates this subsection commits a misdemeanor of a first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 15. Section 870.01, Florida Statutes, is amended to read:

870.01 Affrays and riots.—

(1) A person commits an affray if he or she engages, by mutual consent, in fighting with another person in a public place to the terror of the people. A person who commits ~~All persons guilty of an affray commits shall be guilty of a~~ misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) A person commits a riot if he or she participates in a violent public disturbance involving an assembly of three or more persons, acting with a common intent to assist each other in violent and disorderly conduct, resulting in:

(a) Injury to another person;

(b) Damage to property; or

(c) An imminent danger of injury to another person or damage to property.

A person who commits ~~All persons guilty of a riot commits, or of inciting or encouraging a riot, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(3) A person commits aggravated rioting, if, in the course of committing a riot, he or she:

(a) Participates with nine or more other persons;

(b) Causes great bodily harm to a person not participating in the riot;

(c) Causes property damage in excess of \$5,000;

(d) Displays, uses, threatens to use, or attempts to use a

755 deadly weapon; or

756 (e) By force, or threat of force, endangers the safe
757 movement of a vehicle traveling on a public street, highway, or
758 road.

759
760 A violation of this subsection is a felony of the second degree,
761 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

762 (4) A person commits inciting a riot if he or she
763 willfully incites another person to participate in a riot,
764 resulting in a riot or an imminent danger of a riot. A person
765 who commits inciting a riot commits a felony of the third
766 degree, punishable as provided in s. 775.082, s. 775.083, or s.
767 775.084.

768 (5) A person commits aggravated inciting a riot if he or
769 she:

770 (a) Incites a riot resulting in great bodily harm to
771 another person not participating in the riot;

772 (b) Incites a riot resulting in property damage in excess
773 of \$5,000; or

774 (c) Supplies a deadly weapon to another person or teaches
775 another person to prepare a deadly weapon with intent that the
776 deadly weapon be used in a riot for an unlawful purpose.

777
778 A violation of this subsection is a felony of the second degree,
779 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

780 (6) Except for a violation of subsection (1), a person

PCS for HB 1

2021

781 arrested for a violation of this section shall be held in
782 custody until brought before the court for admittance to bail in
783 accordance with chapter 903.

784 (7) Nothing in this section shall be construed to prohibit
785 constitutionally protected activity such as a peaceful protest.

786 Section 16. Section 870.02, Florida Statutes, is amended
787 to read:

788 870.02 Unlawful assemblies.—

789 (1) If three or more persons meet together to commit a
790 breach of the peace, or to do any other unlawful act, each of
791 them commits ~~shall be guilty of~~ a misdemeanor of the second
792 degree, punishable as provided in s. 775.082 or s. 775.083.

793 (2) A person arrested for a violation of this section
794 shall be held in custody until brought before the court for
795 admittance to bail in accordance with chapter 903.

796 Section 17. Section 870.03, Florida Statutes, is repealed.

797 Section 18. Section 870.07, Florida Statutes, is created
798 to read:

799 870.07 Affirmative defense in civil action; party
800 convicted of riot.—

801 (1) In a civil action for damages for personal injury,
802 wrongful death, or property damage, it is an affirmative defense
803 that such action arose from an injury or damage sustained by a
804 participant acting in furtherance of a riot. The affirmative
805 defense authorized by this section shall be established by
806 evidence that the participant has been convicted of a riot or an

807 aggravated riot prohibited under s. 870.01, or by proof of the
808 commission of such crime by a preponderance of the evidence.

809 (2) In a civil action in which a defendant raises an
810 affirmative defense under this section, the court must, on
811 motion by the defendant, stay the action during the pendency of
812 a criminal action that forms the basis for the defense, unless
813 the court finds that a conviction in the criminal action would
814 not form a valid defense under this section.

815 Section 19. Subsections (3) through (6) of section 872.02,
816 Florida Statutes, are renumbered as subsections (4) through (7),
817 respectively, a new subsection (3) is added to that section,
818 subsections (1) and (2) of that section are republished, and
819 present subsection (6) of that section is amended, to read:

820 872.02 Injuring or removing tomb or monument; disturbing
821 contents of grave or tomb; penalties.—

822 (1) A person commits a felony of the third degree,
823 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
824 if he or she:

825 (a) Willfully and knowingly destroys, mutilates, defaces,
826 injures, or removes any tomb, monument, gravestone, burial
827 mound, earthen or shell monument containing human skeletal
828 remains or associated burial artifacts, or other structure or
829 thing placed or designed for a memorial of the dead, or any
830 fence, railing, curb, or other thing intended for the protection
831 or ornamentation of any tomb, monument, gravestone, burial
832 mound, earthen or shell monument containing human skeletal

PCS for HB 1

2021

remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead; or

(b) Willfully destroys, mutilates, removes, cuts, breaks, or injures any tree, shrub, or plant placed or being within any such enclosure, except for a person performing routine maintenance and upkeep.

(2) A person who willfully and knowingly excavates, exposes, moves, removes, or otherwise disturbs the contents of a grave or tomb commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) For purposes of sentencing under chapter 921, a violation of this section, committed by a person in furtherance of a riot or an aggravated riot prohibited under s. 870.01 is ranked one level above the ranking under s. 921.0022 or s. 921.0023 for the offense committed.

(7)~~(6)~~ If a legally authorized person refuses to sign a written authorization, as provided in paragraph (6) (a)~~(5) (a)~~, or if a legally authorized person objects, as provided in paragraph (6) (b) ~~(5) (b)~~, a public hearing shall be held before the county commission of the county where the cemetery is located, or the city council, if the cemetery is located in a municipality, and the county commission or the city council shall have the authority to grant a request for relocation of the contents of such graves or tombs.

Section 20. Paragraphs (b), (c), and (d) of subsection (3)

PCS for HB 1

2021

of section 921.0022, Florida Statutes, are amended to read:
921.0022 Criminal Punishment Code; offense severity
ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07 (2)	3rd	Failure to furnish a prospectus

PCS for HB 1

2021

meeting requirements.

869

590.28 (1)

3rd

Intentional burning of lands.

870

784.03 (3)

3rd

Battery during a riot or an
aggravated riot.

871

784.05 (3)

3rd

Storing or leaving a loaded
firearm within reach of minor
who uses it to inflict injury
or death.

872

787.04 (1)

3rd

In violation of court order,
take, entice, etc., minor
beyond state limits.

873

806.13 (1) (b) 3.

3rd

Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.

874

806.13 (3)

3rd

Criminal mischief; damage of
\$200 or more to a memorial.

875

810.061 (2)

3rd

Impairing or impeding telephone
or power to a dwelling;

PCS for HB 1

2021

facilitating or furthering
burglary.

876

810.09 (2) (e)

3rd

Trespassing on posted
commercial horticulture
property.

877

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree; \$750
or more but less than \$5,000.

878

812.014 (2) (d)

3rd

Grand theft, 3rd degree; \$100
or more but less than \$750,
taken from unenclosed curtilage
of dwelling.

879

812.015 (7)

3rd

Possession, use, or attempted
use of an antishoplifting or
inventory control device
countermeasure.

880

817.234 (1) (a) 2.

3rd

False statement in support of
insurance claim.

881

817.481 (3) (a)

3rd

Obtain credit or purchase with
false, expired, counterfeit,
etc., credit card, value over

PCS for HB 1

2021

\$300.

882

817.52 (3)

3rd

Failure to redeliver hired
vehicle.

883

817.54

3rd

With intent to defraud, obtain
mortgage note, etc., by false
representation.

884

817.60 (5)

3rd

Dealing in credit cards of
another.

885

817.60 (6) (a)

3rd

Forgery; purchase goods,
services with false card.

886

817.61

3rd

Fraudulent use of credit cards
over \$100 or more within 6
months.

887

826.04

3rd

Knowingly marries or has sexual
intercourse with person to whom
related.

888

831.01

3rd

Forgery.

889

831.02

3rd

Uttering forged instrument;

PCS for HB 1

2021

utters or publishes alteration
with intent to defraud.

890

831.07 3rd Forging bank bills, checks,
 drafts, or promissory notes.

891

831.08 3rd Possessing 10 or more forged
 notes, bills, checks, or
 drafts.

892

831.09 3rd Uttering forged notes, bills,
 checks, drafts, or promissory
 notes.

893

831.11 3rd Bringing into the state forged
 bank bills, checks, drafts, or
 notes.

894

832.05 (3) (a) 3rd Cashing or depositing item with
 intent to defraud.

895

843.08 3rd False personation.

896

893.13 (2) (a) 2. 3rd Purchase of any s.
 893.03 (1) (c), (2) (c) 1.,
 (2) (c) 2., (2) (c) 3., (2) (c) 6.,

PCS for HB 1

2021

(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) drugs
other than cannabis.

897
893.147 (2) 3rd Manufacture or delivery of drug
paraphernalia.

898
899 (c) LEVEL 3

900
Florida Felony
Statute Degree Description

901
119.10 (2) (b) 3rd Unlawful use of confidential
information from police
reports.

902
316.066 3rd Unlawfully obtaining or using
(3) (b) - (d) confidential crash reports.

903
316.193 (2) (b) 3rd Felony DUI, 3rd conviction.

904
316.1935 (2) 3rd Fleeing or attempting to elude
law enforcement officer in
patrol vehicle with siren and
lights activated.

905

PCS for HB 1

2021

906	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
907	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
908	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
909	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
910	327.35 (2) (b)	3rd	Felony BUI.
911	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

PCS for HB 1

2021

912	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
913	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
914	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
915	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

PCS for HB 1

2021

916	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
917	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
918	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
919	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
920	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
921	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than

PCS for HB 1

2021

\$20,000.

922

626.902 (1) (a) &
(b)

3rd

Representing an unauthorized
insurer.

923

697.08

3rd

Equity skimming.

924

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

925

806.10 (1)

3rd

Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

926

806.10 (2)

3rd

Interferes with or assaults
firefighter in performance of
duty.

927

810.09 (2) (c)

3rd

Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

928

812.014 (2) (c) 2.

3rd

Grand theft; \$5,000 or more but
less than \$10,000.

PCS for HB 1

2021

929	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
930	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
931	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
932	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
933	817.233	3rd	Burning to defraud insurer.
934	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
935	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
936	817.236	3rd	Filing a false motor vehicle

PCS for HB 1

2021

insurance application.

937

817.2361

3rd

Creating, marketing, or
presenting a false or
fraudulent motor vehicle
insurance card.

938

817.413(2)

3rd

Sale of used goods of \$1,000 or
more as new.

939

831.28(2)(a)

3rd

Counterfeiting a payment
instrument with intent to
defraud or possessing a
counterfeit payment instrument
with intent to defraud.

940

831.29

2nd

Possession of instruments for
counterfeiting driver licenses
or identification cards.

941

838.021(3)(b)

3rd

Threatens unlawful harm to
public servant.

942

843.19

2nd

Injure, disable, or kill
police, fire, or SAR canine or
police horse.

PCS for HB 1

2021

943	860.15 (3)	3rd	Overcharging for repairs and parts.
944	870.01 (2)	3rd	Riot, inciting or encouraging.
945	<u>870.01 (4)</u>	<u>3rd</u>	<u>Inciting a riot.</u>
946	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
947	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.
948	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6.,

PCS for HB 1

2021

(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

949

893.13 (4) (c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

950

893.13 (6) (a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

951

893.13 (7) (a) 8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.

952

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation,
etc.

953

893.13 (7) (a) 10. 3rd Affix false or forged label to
package of controlled
substance.

PCS for HB 1

2021

954 893.13 (7) (a) 11. 3rd Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

955 893.13 (8) (a) 1. 3rd Knowingly assist a patient,
other person, or owner of an
animal in obtaining a
controlled substance through
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

956 893.13 (8) (a) 2. 3rd Employ a trick or scheme in the
practitioner's practice to
assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

957 893.13 (8) (a) 3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

958

PCS for HB 1

2021

959	893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
960	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
961	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
962	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
963	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
964	(d) LEVEL 4		
965	Florida	Felony	Description

PCS for HB 1

2021

	Statute	Degree	
966	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
967	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
968	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
969	517.07 (1)	3rd	Failure to register securities.
970	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
971	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.

PCS for HB 1

2021

972	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
973	784.075	3rd	Battery on detention or commitment facility staff.
974	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
975	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
976	784.081 (3)	3rd	Battery on specified official or employee.
977	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
978	784.083 (3)	3rd	Battery on code inspector.
979	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

PCS for HB 1

2021

980	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
981	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
982	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
983	787.07	3rd	Human smuggling.
984	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
985	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
986			

PCS for HB 1

2021

987	790.115 (2) (c)	3rd	Possessing firearm on school property.
988	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
989	<u>806.135</u>	<u>2nd</u>	<u>Destroying or demolishing a memorial.</u>
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
	810.06	3rd	Burglary; possession of tools.
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
993	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000

PCS for HB 1

2021

			or more but less than \$20,000.
994	812.014	3rd	Grand theft, 3rd degree;
	(2) (c) 4.-10.		specified items.
995	812.0195 (2)	3rd	Dealing in stolen property by
			use of the Internet; property
			stolen \$300 or more.
996	817.505 (4) (a)	3rd	Patient brokering.
997	817.563 (1)	3rd	Sell or deliver substance other
			than controlled substance
			agreed upon, excluding s.
			893.03(5) drugs.
998	817.568 (2) (a)	3rd	Fraudulent use of personal
			identification information.
999	817.625 (2) (a)	3rd	Fraudulent use of scanning
			device, skimming device, or
			reencoder.
1000	817.625 (2) (c)	3rd	Possess, sell, or deliver
			skimming device.
1001			

PCS for HB 1

2021

1002	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
1003	837.02 (1)	3rd	Perjury in official proceedings.
1004	837.021 (1)	3rd	Make contradictory statements in official proceedings.
1005	838.022	3rd	Official misconduct.
1006	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
1007	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
1008	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
	843.025	3rd	Deprive law enforcement,

PCS for HB 1

2021

			correctional, or correctional probation officer of means of protection or communication.
1009	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
1010	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
1011	<u>870.01 (3)</u>	<u>2nd</u>	<u>Aggravated rioting.</u>
1012	<u>870.01 (5)</u>	<u>2nd</u>	<u>Aggravated inciting a riot.</u>
1013	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
1014	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
1015	914.14 (2)	3rd	Witnesses accepting bribes.

PCS for HB 1

2021

1016	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
1017	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
1018	916.1085 (2) (c) 1.	3rd	Introduction of specified contraband into certain DCF facilities.
1019	918.12	3rd	Tampering with jurors.
1020	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
1021	944.47 (1) (a) 6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
1022	951.22 (1) (h) , (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular

PCS for HB 1

2021

telephone or other portable
communication device introduced
into county detention facility.

1023

1024

1025

Section 21. This act shall take effect upon becoming a
law.